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Amendment dated February 28, 2006

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Remarks

This new Office Action and the prior art applied have been reviewed with care in view of the Examiner's application of such prior art. The amendment now made is an effort to bring this application into condition for allowance.

This amendment follows the telephone interview of February 28, 2006 with Examiner Heckenberg, during which the undersigned attorney indicated the nature of the amendments now being made. The undersigned thanks the Examiner for his courtesy and for the indication that the proposed amendment appears to overcome the present rejection under 35 USC §103(a) and put the application fully in condition for allowance.

During the interview, the JP '644 and Pleasant references were considered and how the invention as now claimed is patentably distinct was discussed. This amendment now deals with the claims and such prior art in the manner discussed.

Applicant notes with appreciation the allowance of claims 12-14 and 23-25 and the indication of allowability of claims 8-10. During the interview, the manner of dealing with this indication of allowability was discussed. The possibility of adding independent claims as a way of dealing with the allowability of claims 8 and 10 was mentioned; however, after the interview applicant has decided to avoid extra claim fees by *not* adding independent claims, particularly given the Examiner's indication of likely allowability of amended independent claim 1. In other words, allowable dependent claims 8-10 will remain dependent on claim 1. The dependency of claims 4-7 has been adjusted so that claim 8 will *not* be specific as to which of the two principal parts (the fin and the base member) have the interconnecting male and female members; instead, claim 4 is made dependent on claim 8, with claims 5-7 remaining directly or indirectly dependent on dependent claim 4. This was discussed in the telephone interview, albeit in the context of the new independent claims that are now being avoided for cost reasons. All this is in keeping with Office Action's indication of allowability and the Examiner's reasons for allowability.

In the Office Action, claims 1-7, 11, 15 and 17-22 were rejected under 35 USC §103(a) as unpatentable over the Japanese 11-42644 ("JP '644") in view of Pleasant. Of these, only claims 1 and 15 are independent. Claims 1 and 15 are now amended to further distinguish applicant's

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invention over the prior art. The remarks below will show applicant's invention to be patentably distinct over JP '644 in view of Pleasant.

Careful review of JP '644 and the Pleasant patent fails to uncover anything which would render obvious applicant's invention, as set forth in amended claims 1 and 15. In fact, applicant submits that specific disclosures and indications in these two prior art documents argue against such combination of references making the claimed invention obvious to a person of ordinary skill in the art. Such a person would not be led to applicant's claimed invention.

Regarding JP '644, it is first noted that, as with the other Japanese prior art discussed earlier during prosecution of the present application, there is no indication of tight connection between a baffle (part 20 in JP '644) and a base member (part 25 in JP '644). It is noted with appreciation that the Examiner has agreed with that point.

It is further pointed out, however, that not only is there an absence of anything suggesting a "tolerance-fit tight mechanical engagement" between a fin and a base member, but to the extent dimensions can be judged, it is quite clear that tight mechanical engagement is *not* an objective in JP '644. Attached as Exhibit A is a sheet with enlarged portions of Figures 1 and 2 of JP '644, with some additional lines added to highlight relative dimensions. Particularly striking is the fact that the lowermost slot-insertable portion has a very narrow dimension compared to the very wide dimension of the slot in which it resides with the two parts are joined. This is seen both in Figure 2, where the two parts are separated, and in Figure 1, where they are joined. Likewise, it can be seen that the outermost opening in base 25 is very wide compared to the major flat portion of the fin which extends therethrough. This further suggests that the interconnection has no particular concern with any sort of "tolerance-fit tight mechanical engagement." Even if there were some tightness in other portions of the joined parts (which would be pure conjecture), the aforementioned extreme looseness of the other portions would fall far short of the "tolerance-fit tight mechanical engagement" which is required by applicant's claims.

Given that JP '644 shows no particular concern for tight mechanical engagement, it is not seen how Pleasant would be properly combinable with it for the purposes noted in the rejection. Furthermore, it is quite significant to note that the Pleasant reference has *no teaching whatsoever*

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on the interengagement of the fin of a plug baffle device with the base member of a plug baffle device. Indeed, as indicated in column 6, lines 2-5 of the Pleasant patent, head 104 is "integrally formed with the blade 102." Applicant's claimed invention deals with relationship of a *separate* base member and fin member, a point which is further emphasized by an amendment made in each of independent claims 1 and 15 that specifies the separate nature of the two parts which are in "tolerance-fit tight mechanical engagement." A disclosure which does not even have fin and base member that are separate could not have any usefulness in helping to remake a device having those two parts, but which shows no concern for any "tolerance-fit tight mechanical engagement."

Discussion in column 6, lines 19-29 of Pleasant does not relate to the relationship of a fin with a base member. Instead, it relates to the relationship of a unitary part with the injection molding machine to which it is attached. This is a separate and unrelated question. Such teachings have no bearing on the instant claimed invention.

In this connection, it is noted that, in addition to the already-mentioned distinguishing amendments in independent claims 1 and 15, claim 1 is amended to specify that the "mold connecting portion" of the base member is "adapted to sealing engagement with the mold." In contrast, as can be seen in Figure 8 of Pleasant (which is an end view as indicated by section 8-8 in Figure 1), head 104 of the Pleasant device is *not* for sealing closure with the mold. Indeed, the patent makes it quite clear that there is flow around head 104. This is even referred to in Pleasant's claim 8, where it states (at column 12, lines 6-7) that the head is involved in "directing said flow [of liquid] into said liquid-receiving bore" This further emphasizes the distinctions which make Pleasant of little use when it comes to applicant's claimed invention.

For all the reasons given, the amended claims are patentable over JP '644 in view of Pleasant.

Claims 7, 11, 21 and 22 were rejected under 35 USC §103(a) as unpatentable over the Japanese 11-42644 ("JP '644") in view of Pleasant and further in view of Kelly. This rejection is respectfully traversed in view of the amendments now made and the above discussion. Claims 7, 11, 21 and 22 are patentably distinct over the prior art.

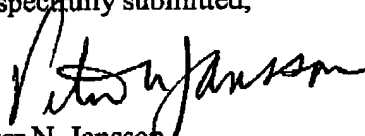
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No additional claim fees are believed necessary. However, a one-month small-entity extension fee is required. The transmission papers accompanying this document authorize use of our deposit account for that purpose.

With the foregoing amendments and remarks, it is believed that all claims in this patent application are fully in condition for allowance. The Examiner is invited to call the undersigned if that would facilitate matters. Early favorable action is earnestly solicited.

Respectfully submitted,

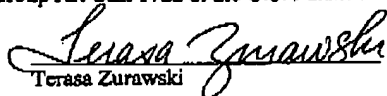


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following documents: (1) Transmittal Letter; (2) Amendment and Extension of Time Transmittal Letter; (3) Amendment and Certificate of Facsimile Transmission all involving Serial No. 10/600,373 are being facsimile transmitted to Examiner Donald Heckenberg, Jr., Group Art Unit 1722 at the U.S. Patent and Trademark Office, facsimile no. 571-273-8300, on February 28, 2006.


Terasa Zurawski